

HOUSE BILL NO. 156

INTRODUCED BY MATTHEWS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~ELIMINATING~~ REVISING THE ABILITY TO PLACE A YOUTH
5 ADJUDICATED DELINQUENT FOR AN ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN
6 ADULT IN A STATE YOUTH CORRECTIONAL FACILITY; AND AMENDING ~~SECTIONS~~ SECTION 41-5-1513
7 ~~AND 41-5-1522~~, MCA."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 41-5-1513, MCA, is amended to read:
12 **"41-5-1513. Disposition -- delinquent youth -- restrictions.** (1) If a youth is found to be a delinquent
13 youth, the youth court may enter its judgment making one or more of the following dispositions:
14 (a) any one or more of the dispositions provided in 41-5-1512;
15 (b) subject to 41-5-1504, 41-5-1512(1)(o)(i), and 41-5-1522, commit the youth to the department for
16 placement in a state youth correctional facility and recommend to the department that the youth not be released
17 until the youth reaches 18 years of age. ~~The court may not place a youth adjudicated delinquent in a state youth~~
18 ~~correctional facility for an offense act that would be a misdemeanor if committed by an adult unless the court~~
19 ~~finds that the youth presents a danger to the public safety and that the placement is recommended by a mental~~
20 ~~health professional after evaluation of the youth.~~ The provisions of 41-5-355 relating to alternative placements
21 apply to placements under this subsection (1)(b). THE COURT MAY NOT PLACE A YOUTH ADJUDICATED TO BE A
22 DELINQUENT YOUTH IN A STATE YOUTH CORRECTIONAL FACILITY FOR AN ACT THAT WOULD BE A MISDEMEANOR IF
23 COMMITTED BY AN ADULT UNLESS:
24 (i) THE YOUTH COMMITTED FOUR OR MORE MISDEMEANORS IN THE PRIOR 12 MONTHS;
25 ~~————~~ (ii) NONE OF THE FOUR PRIOR MISDEMEANORS WAS COMMITTED WITHIN 24 HOURS OF ANY OF THE OTHER THREE;
26 ~~(iii)~~ (ii) A PSYCHIATRIST; OR A PSYCHOLOGIST; LICENSED BY THE STATE OR A LICENSED CLINICAL PROFESSIONAL
27 COUNSELOR; OR A LICENSED CLINICAL SOCIAL WORKER LICENSED BY THE STATE HAS EVALUATED THE YOUTH AND
28 RECOMMENDS PLACEMENT IN A STATE YOUTH CORRECTIONAL FACILITY; AND
29 (iv) ~~(iii)~~ (iii) THE COURT FINDS THAT THE YOUTH WILL PRESENT A DANGER TO THE PUBLIC IF THE YOUTH IS NOT PLACED
30 IN A STATE YOUTH CORRECTIONAL FACILITY.

1 (c) require a youth found to be a delinquent youth, as the result of the commission of an offense that
 2 would be a sexual offense or violent offense, as defined in 46-23-502, if committed by an adult, to register as
 3 a sexual or violent offender pursuant to Title 46, chapter 23, part 5. The youth court shall retain jurisdiction in
 4 a disposition under this subsection.

5 (d) in the case of a delinquent youth who is determined by the court to be a serious juvenile offender,
 6 the judge may specify that the youth be placed in a state youth correctional facility, subject to the provisions of
 7 subsection (2), if the judge finds that the placement is necessary for the protection of the public. The court may
 8 order the department to notify the court within 5 working days before the proposed release of a youth from a
 9 youth correctional facility. Once a youth is committed to the department for placement in a state youth
 10 correctional facility, the department is responsible for determining an appropriate date of release or an alternative
 11 placement.

12 (e) impose a fine as authorized by law if the violation alleged would constitute a criminal offense if
 13 committed by an adult.

14 (2) If a youth has been adjudicated for a sex offense, the youth court may require completion of sex
 15 offender treatment before a youth is discharged.

16 (3) The court may not order a local government entity to pay for care, treatment, intervention, or
 17 placement. A court may order a local government entity to pay for evaluation and in-state transportation of a
 18 youth.

19 (4) The court may not order a state government entity to pay for care, treatment, intervention,
 20 placement, or evaluation that results in a deficit in the account established for that district under 41-5-130 without
 21 approval from the cost containment review panel."

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 23 ~~Section 2. Section 41-5-1522, MCA, is amended to read:~~

24 ~~"41-5-1522. Commitment to department -- restrictions on placement. When a youth is committed~~
 25 ~~to the department, the department shall determine the appropriate placement and rehabilitation program for the~~
 26 ~~youth after considering the recommendations made under 41-5-123 by the youth placement committee.~~
 27 ~~Placement is subject to the following limitations:~~

28 ~~(1) A youth may not be held in a state youth correctional facility for a period of time in excess of the~~
 29 ~~maximum period of imprisonment that could be imposed on an adult convicted of the offense or offenses that~~
 30 ~~brought the youth under the jurisdiction of the youth court. This section does not limit the power of the~~

1 ~~department to enter into a parole agreement with the youth pursuant to 52-5-126.~~
2 ~~———(2) A youth may not be placed in or transferred to a state adult correctional facility or other facility used~~
3 ~~for the execution of sentences of adults convicted of crimes.~~
4 ~~———(3) The department may not place a youth in need of intervention, a youth adjudicated delinquent for~~
5 ~~commission of an act that would not be an offense a felony if committed by an adult, or a youth who violates a~~
6 ~~consent adjustment in a state youth correctional facility."~~
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